

MINUTE ENTRY

9:10 a.m.

UNITED STATES OF AMERICA -v- CHERYL MARATITA REYES

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
SANAE SHMULL, Court Reporter  
K. LYNN LEMIEUX, Courtroom Deputy  
JAMIE BOWERS, Assistant U. S. Attorney  
STEVEN PIXLEY, Counsel for Defendant  
CHERYL MARATITA REYES , Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Steven Pixley. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a sentence of probation and a rigid schedule for restitution payments. Defense recommended a sentence of probation.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant CHERYL MARATITA REYES is hereby sentenced to five years probation. The term probation will commence immediately and will require that the defendant comply with the following conditions:

1. That the defendant shall serve six months home detention under the home confinement program of the U.S. Probation Office and shall abide by all the requirements of the program, which will include electronic monitoring or other location verification systems. The defendant shall pay all or part of the costs of the program based on her ability to pay as determined by the probation officer. The defendant shall be restricted to her residence at all times except for employment; education; religious services; medical; substance abuse, or mental health treatment; attorney visits; court appearances; court ordered obligations; or other activities pre-approved by the officer;

2. That the defendant shall not commit another federal, state or local crime;

3. That the defendant shall not unlawfully possess a controlled substance;

4. That the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release and at least two periodic drug test thereafter for use of a controlled substance;

5. That the defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office;

6. That the defendant shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. Â§3563;

7. That the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule;

8. That the defendant must provide the probation officer access to any requested financial information; and

9. That the defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office.

Pursuant to U. S. S. G. Â§5E.1(a)(1) and 18 U.S.C. Â§3663, the defendant shall make restitution in the amount of \$37,584.63, less payments previously made in accordance to Superior Court of the NMI civil case 00-00065E, to the Bank of Saipan, which is due immediately upon sentencing. Payment shall be made to the U.S. District Court of the Northern Mariana Islands, attention: Clerk of Court, for disbursement to the victim at Bank of Saipan, P.O. Box 500690, Saipan, MP 96950.

The defendant shall make the payments in the amount of \$200.00 a month as she agreed to do so in open Court.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

Court ordered that if full restitution was made complete prior to the end of her probationary period that the probation would be suspended.

No objection to the sentence by the attorneys. Defendant was advised that she did not have ten days in which to appeal her sentence because she had waived her right to appeal in her plea agreement. However, if she or her attorney have any other reason to appeal this case she may do so in ten days. The defendant was advised of her right to an attorney for appeal.

Adj. 9:35 a.m.

; [KLL EOD 05/24/2005]